

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: ____/____/____

BY CZAB # _____

RECEIVED
APR 29 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

DATE RECEIVED STAMP

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 02-326(03-2) - CZAB 15

Filed in the name of (Applicant) GOULD S, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: _____

Application, or part of Application being Appealed (Explanation): zone change

from AU to RU-1(M)A

Appellant (name): GOULD S, LLC

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

- See Attached -

GOULDS, LLC #02-326 (03-2 – CZAB-15)
Grounds and reasons supporting the reversal of the
ruling of Community Zoning Appeals Board 15

1. SITE PLAN CONFLICT- The representative from the Public Works Department present at the meeting stated that he had not received or reviewed a site plan. However, we had presented our site plan to Public Works in November and modified it in December to accommodate their requested changes. Public Works in it's comments for the zoning hearing had no objections to the site plan we proffered. The Public Works representative who attended the meeting should have been informed of the prior approval of the site plan and should not have objected to the site plan at the public meeting.

Furthermore our site plan "may" be in conflict with a site plan on the adjoining market rate property (Carol Brock) that was first presented and approved at the zoning meeting (March 27th) immediately prior to the one we appeared at (April 28th) and was approved at that time. The potential conflict involved connectivity between the 2 sites.

The Carol Brock site plan, indicated the ability to connect to 2 separate properties that I own adjoining their property. Our previously submitted and accepted site plan, which predated their site plan, should have been taken into consideration by Public Works when commenting on the Carol Brock site plan.

Additionally, the developers of the Carol Brock parcel also own a 20-acre parcel (The Preserve) adjoining their property on the opposite side as my parcel. They should have connected to The Preserve parcel and not my 2 parcels. Instead, they provided no connectivity to their adjoining 20-acre Preserve parcel at all.

2. SCHOOL OVERCROWDING- It was stated at the meeting by the 3 members of Community Council 15 who voted to deny our property, that we should somehow deal with the school overcrowding issue. One member said because of budget cuts at the State level the situation was being made more critical and thus solutions by developers must be emphasized more. We pointed out that we fully intended to market our 48 homes to residents who already live in the area and very few new families will be attracted into the district. We also suggested that the lack of affordable home ownership units in Goulds was a much more pressing issue and one that they as a zoning board could help alleviate that issue by approving this project.

One of the board members said that the Carol Brock project next door represented to the Community Council as part of it's zoning hearing the previous month, that our project would somehow participate in contributing to the construction of a Charter School on the 20-acre Preserve site on the other side of the Carol Brock property. I was never approached by the Carol Brock people and told them I had made no such commitment. I further stated that if the combined Carol Brock and Preserve projects, which contained almost 4 times the land as ours did is providing a solution for the area, why are they looking to my small affordable housing project to do something as well?

3. THE PRESENCE OF THE SUPORTERS OF THE PROJECT- In order to demonstrate the crying need for affordable home ownership in Goulds, there were more than 80 people who came to the meeting to support our zoning application. We also presented petitions signed by 112 people supporting our application to develop 5,000 square foot lots under RU-1(M)a zoning.

The Chairwoman asked me to limit the number of speakers. There were 5 representatives of the group who spoke before the community council in support of the RU-1(M)a zoning mainly on the grounds of the need for them to have the opportunity to purchase a unit in the project. They also stated that they would prefer the smaller 5,000 sq ft lots as apposed to a larger lot if it would keep the prices affordable.

There were 2 board members who stated their objection to the tactics of requesting people to come to the meeting because they would be given a chance to buy a home made affordable because of the use of the County Surtax program. I stated that this was a demonstration of the huge pent-up need for home ownership units in Goulds.

In denying the zoning application Community Council 15 which considers itself an activist Council because of their stand on school overcrowding, would be contributing to home overcrowding and lack of affordable home ownership opportunities that are considered to be a much more pressing issue in Goulds than the school situation.

The 2 lone objectors who made inflammatory statements against me and the project were linked to the local CDC that had not produced any housing units in their history, while I had produced several hundred in their community and utilized local construction people without the CDC's involvement. These same people who claimed to know community sentiment objected the most vigorously to the number of supporters in favor of the zoning application and the presence of other community leaders who came to support this much needed affordable home ownership development.

GOULD LLC.
by Goldmeier (EZ) LTD
by Goldmeier (EZ) com
by

Signed _____

by: Benny Gaudinier, Vice Pres
Print Name

1101 BRICKELL AVE - ST 402B
Mailing Address

MAY 1 FL 33131

305-250-9898 305-358-5381
Phone Fax

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City _____ State _____ Zip _____

Telephone Number

Subscribed and Sworn to before me on the 29 day of April, year 2003

Notary Public



Nancy Rubin
My Commission CC887043
Expires December 21, 2003

(stamp/seal)

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI Dade

Before me the undersigned authority, personally appeared BARRY GOLDMEIER
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☒ 2. Original Applicant
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Nancy Rubin
Signature

NANCY RUBIN
Print Name

Signature

Print Name

Sworn to and subscribed before me on the 29 day of April, year 2003.

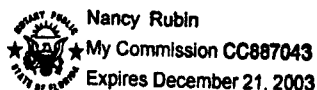
Appellant is personally know to me or has produced _____ as
identification. _____

GOULDS LLC
by Goldmeier (02) LHS
by Goldmeier (023) Corp
by _____
Appellant's signature

BARRY GOLDMEIER, JR.
Print Name

Nancy Rubin
Notary
(Stamp/Seal)

Commission Expires:



18 56S 40E

Sec. Twp. Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: 30-6018-000-0630 + 0631

Date Received

1. **NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

GOULDS, LLC

2. **APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: 1101 BRICKELL AVENUE - SUITE 402-B
City: MIAMI State: FL Zip: 33131 Phone#: 305-350-9898

3. **OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): GOULDS, LLC
Mailing Address: P.O. BOX 279
City: KEY BISCAYNE State: FL Zip: 33149 Phone#: 305-350-9898

4. **CONTACT PERSON'S INFORMATION:**

Name: BARRY GOLDMEIER Company: ADVANCED HOUSING CORP.
Mailing Address: 1101 BRICKELL AVENUE - SUITE 402-B
City: MIAMI State: FL Zip: 33131
Phone#: 305-350-9898 Fax#: 305-358-5381 E-mail: BARRY@ADVANCEDHOUSING.COM

5. **LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

THE E 1/2 OF THE N 1/2 OF THE NW 1/4 OF THE SE 1/4 - PLUS -
THE N 1/2 OF THE NW 1/4 OF THE NW 1/4 OF THE SE 1/4 AND
THE W 150 FEET, LESS THE E 25 FEET OF THE W 175
FEET OF THE N 75 FEET AND LESS THE E 396 FEET OF THE
N 110 FEET OF SECTION 18, TOWNSHIP
56 SOUTH, RANGE 40 EAST LYING IN
MIAMI-DADE COUNTY, FLORIDA

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

ON SW 224 STREET BETWEEN SW 109
AVENUE RUNNING WEST TO 175 FIRST AVENUE
SW 117 AVENUE LESS 396 FEET

7. SIZE OF PROPERTY _____' x _____' (in acres): 8.003 Acres
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☒ acquired ☐ leased 2-28-2008 lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (See notes related to item 5.)

None

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AV

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

- ☒ District Boundary Changes (DBC) [Zone class requested]: RU-1 M(a)
☐ Unusual Use: _____
☐ Use Variance: _____
☐ Non-use Variance: _____
☐ Alternative Site Development: _____
☐ Special Exception: _____
☐ Modification of previous resolution/plan: _____
☐ Modification of Declaration or Covenant: _____
☐ _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation: _____

16. Describe structures on the property: NONE

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?

Use: _____ Year: _____

APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE) _____, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

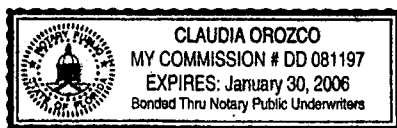
(I)(WE) BARRY SPLOMEIER, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☒ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

V.P. & Co-P. of Managing Member
Office Held

(Corp. Seal)



Sworn to and subscribed to before me
this 4 day of NOVEMBER, 2002

Notary Public: CO Orozco
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE) _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. I am aware that filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

[Signature]
(Applicant's Signature)

Randy Goldman
(Print Name)

Sworn to and subscribed before me this 6th day of Nov., 2002. Affiant is personally known to me or has produced Driver's ID as identification.

Dianne Hough
(Notary Public)
My commission expires 12/06/02



X

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared BARRY GOLDMEIER,
hereinafter the Affiant(s), who being first duly sworn by me,
on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the GOULDS, LLC
A LIMITED LIABILITY Corporation, with the following address:
1101 BRICKELL AVE - ST 402-B, MIAMI, FL 33131
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Affiant's signature

Print Name

Sworn to and subscribed before me on the 21 day of OCTOBER, 2001
Affiant is personally known to me or has produced _____ as
identification.

Notary Public, State of Florida

My Commission Expires:



R M Duran
My Commission DD144583
Expires August 25, 2006

REQUEST FOR LEGAL DESCRIPTION CHECK (Part A)

Appl. No.: 22002000326

Sec: 18 Twp: 56 Rge: 40

Processor: B. C.

CZAB #: 15 BCC 9

TYPE OR PRINT ALL INFORMATION - ALL FOLIO NUMBERS REQUIRED

1. FOLIO NUMBER(S) OF SUBJECT PROPERTY (List all folio numbers comprising the subject property)

20-6018-000-0631

20-6018-000-0630

2. NAME OF APPLICANT (Property Owner or Lessee with Owner's Sworn-to-Consent)

GOULDS, L.L.C.

3. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If application contains requests for multiple zone changes, provide the legal description for each area. Attach separate sheet(s), as needed.

THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTH WEST 1/4
OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 56 SOUTH,
RANGE 40 EAST PLUS THE NORTH 1/2 OF THE NORTH WEST
1/4 OF THE NORTH WEST 1/4 OF THE SOUTHEAST 1/4, LESS
THE WEST 150 FEET, LESS THE EAST 25 FEET OF THE
WEST 175 FEET OF THE NORTH 25 FEET AND LESS THE EAST
396 FEET OF THE NORTH 110 FEET OF SECTION 18, TOWN-
SHIP 56, SOUTH, RANGE 40 EAST LYING IN MIAMI DADE COUNTY

4. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

SW 224 STREET FROM 175 FEET EAST OF 112 AVENUE RUNNING
TO SW 109 AVENUE LESS 396 FEET

5. SIZE OF PROPERTY _____' x _____' (in acres): 8.003 ACRES

(divide total sq. ft. by 43,560 to obtain acreage)

6. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (If attaching separate sheet, clearly label as contiguous property)

None

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: GOVLOS, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>GOLDMEIER (NJ) LTD.</u>	<u>100%</u>

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: GOLDMEIER (NJ) LTD - Managing Member

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u>Barry Goldmeier Trust</u>	<u>40%</u>
<u>Lee Goldmeier Trust</u>	<u>40%</u>
<u>GOLDMEIER (NJ) Corp</u>	<u>20%</u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

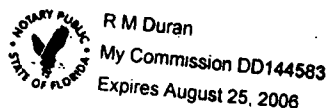
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____
(Applicant)

Sworn to and subscribed before me this 21 day of OCTOBER, 2002. Affiant is personally known to me or has produced _____ as identification.

R M Duran
(Notary Public)

My commission expires _____



*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.